

PECFA POST

A newsletter created and distributed by the Wisconsin Department of Commerce, PECFA Site Review Section

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Welcome to the PECFA POST newsletter

Welcome to the first edition of the new and informative PECFA POST newsletter. The intent for this undertaking is to:

- Pull together input from you, the consultants, through questions and comments, and update you as to current procedures and regulatory changes to the program.
- Create dialog between the department and consultants to address questions and concerns about the program and the code.
- Inform consultants of upcoming training sessions and conferences pertaining to departmental policy and procedures.
- Improve relationships between consultants and the department resulting in a better understanding of expectations of both parties to allow for a more efficient process from start to finish.



PECFA Site Review Staff

Recently there have been several new names and faces added to the program. Since there has been some confusion as to who covers what area, the fourth page of this newsletter lists all the PECFA Site Review Staff and what areas they are covering. Areas may change in the future but for now follow this listing. If changes are made, you will be informed in the future newsletters.



Future Newsletter Issues

- In an effort to expedite the circulation of future newsletters, department correspondence and PECFA required forms, the newsletter will be distributed electronically. If you would like to be placed on the e-mailing list, please forward your email address to the site review program assistant, Ms. Kristi Hammes, at khammes@commerce.state.wi.us. Kristi is the current point of contact for the PECFA POST newsletter and can be reached by e-mail or by her mailing address in Madison, which is listed on the fourth page of this newsletter.
- The department would like to hear from you, the consultant, about topics that you would like to have covered in future newsletters and training sessions. Please send your comments and suggestions to Kristi via email, subject line PECFA Post, or regular mail channels.

Summing Things Up

Through this newsletter, the Site Review staff hopes to improve communication between the department and the consultant. Future informational tools such as an improved PECFA Site Review web site will be integrated for your use.

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Frequently Asked PECFA Public Bid Questions

1. What can bidders do to avoid having their bid response considered non-conforming?

Follow the bid document exactly. Bid responses have been considered non-conforming because they did not include the site-specific requirements listed in the bid document. For example, if a site-specific requirement is to address free product or off-site contamination, bid responses that do not address these items will be considered non-conforming.

Section 5 Instructions to Bidders must be followed. Bid responses have been considered non-conforming for the following reasons: failure to provide three copies, signature or license registration number missing from one or more copies, and failure to identify the closed remedial action status.

Include some information about your proposed approach. However, recognize that bid responses with cost-contingency or "hedge" statements are considered ambiguous responses and as such will be deemed non-conforming bids. For example,

- The bid response must provide the cost for remediation up to approval as closed remedial action status. A bid response with the statement "additional money may be needed if site closure is not achieved" was recently deemed non-compliant.
- For one bid site, free product removal/disposal (unspecified quantity) was required to be part of the bid response. A bid response that included "disposal of up to 250 gallons of product and water per year" was deemed non-compliant because it limited the amount of product removal to 250 gallons per year.

2. Clarify the open-records status of the bid responses.

The public may attend the bid opening, at which time the bidders' names are announced. However, the bid responses themselves are not an open record until after the bid evaluation is finished and the successful bidder and claimant have been notified of the outcome. This is typically 10-14 days after the bid closing date. After that time, a spreadsheet of bid responses is available for each site, and the bid responses may be reviewed by appointment.

3. Does PECFA require that the claimant work with the successful bidder? If not, does PECFA plan to make it a requirement?

At this time PECFA does not require the claimant to hire the successful bidder, however, changes are being considered which may make it much more attractive for an owner to contract with the successful bidder.

4. Do bidders have to base their remedial approach solely on the information provided by the agency through the copy shop?

The information provided (which minimally consists of a site investigation report) should be adequate for determining a remedial strategy for most sites. However, bidders may view the entire case file at the office of the agency with regulatory authority for the site if they choose.

5. When the bid is awarded does the remedial consultant still have to 3-bid the commodity items to complete the remediation?

Yes, the remediation must still be conducted as any other PECFA project. Also, the remediation must be conducted cost-effectively. Excessive or unnecessary costs may be considered ineligible and denied reimbursement.

6. When the bid has been awarded, does the remedial consultant have to conduct all the activities proposed in the winning bid or can they change the scope of work?

The technology described in the winning bid response was approved as being adequate to get the site to closure. If an approach different from that proposed can accomplish the same goal for the same amount of money or less, that can be acceptable. However, it is important that the agency with regulatory authority agrees that the alternate approach will be effective. The claimant should obtain written approval of the remedial changes from the designated project manager, and include that documentation in their PECFA claim package.

It is important to note that the cap establishes the total cost necessary to get the site to the point of closed remedial action. If the consultant uses an alternate approach and does not get the site to the point of closed remedial action, the change will not be considered a basis for requesting additional PECFA funds.

If you have a PECFA public bid question, you would like answered in the PECFA POST. Please send it to Kristi Hammes via email or regular mail channels.

COMM / DNR CONSISTENCY MEETING

On December 7, 2000, COMM and the DNR met to discuss regulatory issues and consistency while managing petroleum contaminated sites. Some of the topics covered during the meeting are as follows:

DIRECT CONTACT RCL's

- To determine direct contact RCL's:
 - Use the EPA protocol through the EPA website – <http://risk.lsd.ornl.gov/epa/ssl1.htm>.
- For ingestion and/or particulate inhalation, use "WI" defaults on exposure parameters: see NR720.19(5)(c).

FRACTURED BEDROCK

- An addition to Comm 46.03(7): "In the absence of evidence to the contrary, the agencies consider all bedrock in Wisconsin to be fractured."

GIS REGISTRY UPDATE

- Hearings on the proposed GIS registry were held in August 2000. When the GIS registry becomes final, it will apply to all sites managed by the DNR and COMM. **At this time it is planned** that eventually sites requiring deed notices/affidavits for soil contamination in addition to groundwater use restrictions will be placed onto the GIS registry. The Departments are working out the final recommendations for placement of sites on the GIS registry.
- **NO FINAL DECISIONS HAVE BEEN MADE.**

SITE CLASSIFICATION

- Site classification will occur after the site investigation has been completed.
 - The RP / consultant is directed to submit the SIR to the appropriate agency after it has been determined that the site investigation has been completed.
 - If the site meets the 60K requirements a notification must be sent to both agencies; for 60K sites, only a final closure report summarizing the site investigation is to be submitted to the agency with jurisdiction, unless otherwise requested.
 - If the site is being transferred to COMM after completion of the SIR, the DNR must be notified of the transfer.

SITE INVESTIGATION REQUIREMENTS

Site Investigation guidelines outlined in NR 716 emphasize the following site investigation procedures:

- Determine the degree and extent of soil **and** groundwater contamination.
- Provide geologic and hydrogeologic information for the site.
- Determine the hydraulic conductivity of contaminated saturated soil.
- Indicate the distance to the closest private and/or municipal water supply well.
- Investigate migration within utility corridors, under building foundations or a permeable soil layer.
- Assess contaminant plume behavior.
- When determining analytical parameters for groundwater samples, refer to Appendix C of our 1999 natural attenuation guidance, Publ. RR-614, "Interim Guidance On Natural Attenuation For Petroleum Releases".

REQUIREMENTS FOR ALL SITES

- Hydraulic conductivity must be determined where contaminated groundwater is found.
- Groundwater use restrictions are NOT required in ROW's (Right-Of-Way's) with an ES exceedence. The RP must give written notification to the municipality or the Department of Transportation, dependent on the location of the ROW, and a signed copy of the notification must be sent to the department with regulatory authority.
- Demonstrating natural attenuation in NR726.05(2)(b)1.f.
 -"The concentration and mass of a substance and it's breakdown products in groundwater have been reduced due to naturally occurring physical, chemical and biological processes as necessary to adequately protect public health..."

PLEASE NOTE:

- All submittals sent to COMM must contain the PECFA number as well as the current RP's name and correct mailing address.

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